

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF MISSOURI**

In re: )  
 )  
SPRINGFIELD LANDMARKS ) Consolidated Case No. 10-63128-11  
PRESERVATION TRUST, ) Chapter 11  
 )  
Debtor. )

**CONDITIONAL MOTION FOR ORDER EXTENDING  
DEADLINES AND RESCHEDULING HEARING DATE**

COMES NOW Guaranty Bank (the “Bank”), by counsel, and conditionally moves the Court for an order extending the deadlines for objecting to the Disclosure Statement and Chapter 11 Plan filed herein, extending the deadline for the Bank to make an election under 11 U.S.C. § 1111(b) and rescheduling the hearing on the Disclosure Statement and Chapter 11 Plan and on the Debtors’ Motion for Determining Value of Lien and Allowing Deficiency as Unsecured Claim (the “Valuation Motion”), stating as grounds therefor the following:

1. On May 6, 2011, the Court entered its Order and Notice Preliminarily Approving Disclosure Statement and Setting Hearing on Matters Including Disclosure Statement and Plan Pursuant to Procedure for Expedited Chapter 11 Case (the “Order and Notice”).

2. As part of its Order and Notice, the Court set a deadline of June 13, 2011, for objecting to the Disclosure Statement and Plan and serving the Debtors’ attorney with ballots accepting or rejecting the Plan. The deadline for the Bank to make an election under 11 U.S.C. § 1111(b) also appears to be June 13, 2011, or, at the latest, June 16, 2011.

3. In its Order and Notice, the Court set June 16, 2011, as a combined hearing date for final approval of the Disclosure Statement, confirmation of the Plan and consideration of the Debtors' pending Valuation Motion.

4. The Bank notified the Debtors that it has objections to the Disclosure Statement and the proposed Plan, that it does not agree with the \$2 million valuation of the Collateral proposed by the Debtors, and that it was considering making an election under 11 U.S.C. § 1111(b) to have its entire claim treated as secured.

5. After extended negotiations, however, the Debtors and the Bank have reached an agreement that will resolve the Bank's objections to the Debtors' Disclosure Statement and Plan, address the valuation of the Collateral, and make an 1111(b) election unnecessary. The parties are working on a written Settlement Agreement and intend to submit a proposed Agreed Confirmation Order that conforms with that Settlement Agreement for the Court's review and approval. **The parties intend to present their Settlement Agreement and proposed Agreed Confirmation Order to the Court at the hearing now scheduled for June 16, 2011.** As such, none of the parties are asking that the June 16<sup>th</sup> hearing be canceled or rescheduled.

6. The parties fully anticipate that the Court will approve and enter their proposed Agreed Confirmation Order at the hearing on June 16, 2011. Nevertheless, if the Court chooses not to enter the Agreed Confirmation Order submitted by the parties, the Bank requests that the foregoing deadlines be extended until after the June 16, 2011, hearing to a date to be determined by the Court at the June 16<sup>th</sup> hearing. In addition, if the Court chooses not to enter the Agreed Confirmation Order submitted by the parties, the Bank requests that the hearing date for final approval of the Disclosure

Statement and confirmation of the Plan be rescheduled for the Court's July docket and that the hearing on Debtors' Valuation Motion be rescheduled for that same date in July.

7. The undersigned has conferred with Debtors' counsel about this Motion, and the Debtors do not oppose the Court extending the deadlines and rescheduling the hearing as requested herein, if the parties' Agreed Confirmation Order is not entered.

**WHEREFORE**, Creditor Guaranty Bank conditionally moves the Court to enter an order extending the deadlines for objecting to the Disclosure Statement and Chapter 11 Plan, extending the deadline for the Bank to make an election under 11 U.S.C. § 1111(b), and rescheduling the hearing on final approval of the Disclosure Statement, confirmation of the Plan and consideration of the Debtors' Valuation Motion; and for such other and further relief as the Court deems just and proper.

HUSCH BLACKWELL LLP

By: /s/ J. Michael Bridges  
J. Michael Bridges #41549  
901 St. Louis Street, Suite 1800  
Springfield, MO 65806  
Telephone: 417-268-4000  
Fax: 417-268-4040  
michael.bridges@huschblackwell.com  
**ATTORNEYS FOR GUARANTY BANK**

**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document was faxed to the Debtors' attorney of record and served electronically on those parties who have entered an appearance in the Court's Electronic Court Filing (ECF) System and conventionally, via first-class mail, postage prepaid to those parties who have requested notice but are not participating in the ECF System, pursuant to instructions and appearing on the electronic filing receipt received from the U.S. Bankruptcy Court on June 7, 2011.

/s/ J. Michael Bridges  
Attorney